

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

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SP

UNITED STATES OF AMERICA,
Plaintiff,

v.

MARK EDWARD ERHARDT,
Defendant.

INDICTMENT

Cause No. EP-12-CR-_____

VIOLATIONS:

Counts 1-2: 18 U.S.C. § 2252(a)(2) –
Receipt/Distribution of Material
Involving the Sexual Exploitation of
Minors

Count 3-4: 18 U.S.C. § 2252(a)(4)(B) –
Possession of Material Involving the
Sexual Exploitation of Minors

Count 5: 21 U.S.C. § 841(a)(1) & (b)(1),
860, 18 U.S.C. § 2 Aiding & Abetting
the Manufacture of a Controlled
Substance Near a School

Count 6: 21 U.S.C. § 856 -- Maintaining
a Drug Manufacturing Premises

Notice of Forfeiture

THE GRAND JURY CHARGES THAT:

EP 12 CR 2607

COUNT ONE
(18 U.S.C. § 2252(a)(2) Receipt of Child Pornography)

Beginning on or about April 27, 2008, and continuing until on or about October 3,
2012, in the Western District of Texas and elsewhere, the defendant,

MARK EDWARD ERHARDT,

knowingly received and attempted to receive a visual depiction that was shipped or
transported in or affecting interstate or foreign commerce, by any means including by
computer, and the production of such visual depiction involved the use of a minor

engaging in sexually explicit conduct and the visual depiction is of such conduct, all in violation of 18 U.S.C. § 2252(a)(2) and (b).

COUNT TWO
(18 U.S.C. § 2252(a)(2) Distribution of Child Pornography)

On or about August 21, 2012, in the Western District of Texas and elsewhere, the defendant,

MARK EDWARD ERHARDT,

knowingly attempted to distribute a visual depiction that was shipped or transported in or affecting interstate or foreign commerce, by any means including by computer, and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct and the visual depiction is of such conduct, all in violation of 18 U.S.C. § 2252(a)(2).

COUNT THREE
(18 U.S.C. § 2252(a)(4)(B) -- Possession of Child Pornography)

On or about August 21, 2012, in the Western District of Texas and elsewhere, the defendant,

MARK EDWARD ERHARDT,

did knowingly possess at least one matter which contained a visual depiction that was produced using materials which had been shipped and transported using any means and facility of interstate and foreign commerce, including by computer, and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct, and such visual depiction was of such conduct, all in violation of Title 18, United States Code, Section 2252(a)(4)(B).

COUNT FOUR
(18 U.S.C. § 2252(a)(4)(B) -- Possession of Child Pornography)

On or about October 3, 2012, in the Western District of Texas and elsewhere, the defendant,

MARK EDWARD ERHARDT,

did knowingly possess at least one matter which contained a visual depiction that was produced using materials which had been shipped and transported using any means and facility of interstate and foreign commerce, including by computer, and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct, and such visual depiction was of such conduct, all in violation of Title 18, United States Code, Section 2252(a)(4)(B).

COUNT FIVE
**(21 U.S.C. §§ 841(a)(1) & 860, 18 U.S.C. § 2 – Aiding & Abetting
Manufacture of a Controlled Substance Near a School)**

On or about October 1, 2012, in Western District of Texas, Defendant,

MARK EDWARD ERHART,

knowingly and intentionally manufactured methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a), within 1,000 feet of Fanin Elementary School, an elementary school, all in violation of Title 21, United States Code, Sections 841(a)(1) and 860.

COUNT SIX
(21 U.S.C. § 856(a)(2) – Maintaining A Drug Manufacturing Premises)

On or about October 1, 2012, in the Western District of Texas, Defendant

MARK EDWARD ERHART,

While controlling a building at 10459 Kendall Street, El Paso, Texas, as the lessee and

occupant, did knowingly and intentionally make available for use, with and without compensation, said building for the purpose of unlawfully manufacturing, storing and using a controlled substance, to wit: methamphetamine, a Schedule II controlled substance, all in violation of Title 21, United States Code, Section 856(a)(2).

Notice of Government's Demand for Forfeiture
(18.S.C. § 2253)

As a result of the commission of one or more of the offenses alleged in Counts One through Four, the Defendant, **MARK EDWARD ERHARDT**, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2253, all right, title and interest of the defendant in any and all visual depictions described in Title 18, United States Code, Sections 2251, 2251A, or 2252, and any and all books, magazines, periodicals, films, videotapes, and other matters which contain any such visual depiction, which were produced, transported, mailed, shipped or received in violation of Chapter 110 of Title 18, Part I, United States Code; any property, real and personal, constituting or traceable to gross profits or other proceeds obtained from such offenses; and any property, real and personal, used or intended to be used to commit or to promote the commission of such offenses, and any property traceable to such property.

A TRUE BILL.

ORIGINAL SIGNATURE
REDACTED PURSUANT TO
E-GOVERNMENT ACT OF 2002

FOREPERSON OF THE GRAND JURY

ROBERT PITMAN
UNITED STATES ATTORNEY

BY:



Assistant U.S. Attorney